

Miller, Gary  
Mink  
Mollohan  
Moore  
Moran (KS)  
Morella  
Murtha  
Myrick  
Nadler  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad

Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rodriguez  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Roukema  
Royce  
Ryan (WI)  
Ryun (KS)  
Sabo  
Saxton  
Schaffer  
Schrock  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder

Stearns  
Stenholm  
Stump  
Stupak  
Sununu  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Tierney  
Toomey  
Traficant  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson  
Wolf  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—7

Conyers  
Gonzalez  
Johnson, E. B.

Lipinski  
Scarborough  
Snyder

Spence

□ 1547

Messrs. YOUNG of Alaska, WYNN, RAHALL, HILLIARD, CLYBURN, MOORE, HALL of Ohio and Mrs. CLAYTON changed their vote from “aye” to “no.”

Messrs. BERRY, FORD and BAIRD changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the remaining amendment on which the Chair has postponed further proceedings.

## AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 274, not voting 8, as follows:

[Roll No. 269]

AYES—151

Ackerman  
Allen  
Andrews  
Baird  
Baldacci  
Baldwin  
Barrett  
Becerra  
Bentsen  
Berkley  
Bonior  
Borski  
Boswell  
Boyd  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Capps  
Capuano  
Carson (OK)  
Clay  
Clayton  
Clement  
Coyne  
Crowley  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Edwards  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gordon  
Green (TX)  
Gutierrez  
Harman  
Hastings (FL)

Hill  
Hinchey  
Hinojosa  
Hoeffel  
Holt  
Honda  
Hoyer  
Inslee  
Jackson (IL)  
John  
Jones (OH)  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Kucinich  
LaFalce  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Lee  
Levin  
Lewis (GA)  
Loftgren  
Lowey  
Lucas (KY)  
Luther  
Maloney (CT)  
Maloney (NY)  
Markey  
Mascara  
Matheson  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McGovern  
McIntyre  
McKinney  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Millender-McDonald  
Miller, George  
Moore  
Moran (VA)  
Nadler

Napolitano  
Neal  
Oberstar  
Obey  
Olver  
Owens  
Pallone  
Pascarell  
Payne  
Pelosi  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Rivers  
Rodriguez  
Roemer  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Serrano  
Sherman  
Slaughter  
Smith (WA)  
Solis  
Spratt  
Stark  
Strickland  
Tauscher  
Thurman  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Velázquez  
Viscosky  
Watson (CA)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu

## NOES—274

Abercrombie  
Aderholt  
Akin  
Armey  
Baca  
Bachus  
Baker  
Ballenger  
Barcia  
Barr  
Bartlett  
Barton  
Bass  
Bereuter  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop  
Blagojevich  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Boucher  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito

Cardin  
Carson (IN)  
Castle  
Chabot  
Chambliss  
Clyburn  
Coble  
Collins  
Combest  
Condit  
Cooksey  
Costello  
Cox  
Cramer  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
Deal  
Delahunt  
DeLay  
DeMint  
Diaz-Balart  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Evans  
Everett

Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hilleary  
Hilliard  
Hobson  
Hoekstra  
Holden  
Hooley

Horn  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Isakson  
Israel  
Issa  
Istook  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Kanjorski  
Keller  
Kelly  
Kennedy (MN)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
Kolbe  
LaHood  
Largent  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo  
Matsui  
McCrery  
McDermott  
McHugh  
McInnis  
McKeon  
McNulty  
Mica  
Miller (FL)  
Miller, Gary  
Mink  
Mollohan

Moran (KS)  
Morella  
Murtha  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Pastor  
Paul  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Roukema  
Royce  
Ryan (WI)  
Ryun (KS)  
Sanchez  
Saxton  
Schaffer  
Schroek  
Sensenbrenner  
Sessions  
Shadegg  
Shaw

Shays  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stenholm  
Stump  
Stupak  
Sununu  
Sweeney  
Tancredo  
Tanner  
Tauszin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Toomey  
Traficant  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watt (NC)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson  
Wolf  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—8

Conyers  
Gonzalez  
Johnson, E. B.

Lipinski  
Scarborough  
Snyder

Spence  
Waters

□ 1555

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, on rollcall Nos. 268 and 269—Inslee amendment and Hinchey amendment—I was detained in a Senate meeting on Election Reform. Had I been present, I would have voted “yea” on both.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to the order of the House of today, during consideration of the amendments numbered 5, 7 and 8, the following order shall apply:

(1) The amendment numbered 7 shall immediately follow disposition of, or postponement of further proceedings on, the amendment numbered 5.

(2) The amendment numbered 5 shall be subject only to the amendment by the gentleman from Arizona (Mr. FLAKE) that has been placed at the desk.

(3) The amendment numbered 7 shall be subject only to one substantive amendment.

(4) The amendments numbered 5 and 7, and each specified amendment thereto, each shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any of those pending amendments.

(5) Debate on the amendment numbered 8, and all amendments thereto, shall be limited to 1 hour, equally divided and controlled by the proponent and an opponent.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN:

At the end of the bill (preceding the short title) insert the following new section:

SEC. \_\_\_\_ None of the funds made available in this Act may be used to initiate the process of contracting out, outsourcing, privatizing, or converting any Federal Government services in contravention of Public Law 105-270.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 10 minutes, equally divided and controlled by the proponent and an opponent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

□ 1600

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this amendment to focus on a problem facing our government, and that is unregulated and uncontrolled outsourcing, or, as it is sometimes called, privatization. The amendment specifically says that in contracting out, privatizing or otherwise giving Federal work to the private sector, that we adhere to existing law, Public Law 105-270.

This law, known as the FAIR Act, the Federal Activities Inventory Reform Act of 1998, basically says that whenever there should be an outsourcing, there shall also be a competition to determine that the taxpayer gets best value, best value in terms of quality and in terms of cost. Unfortunately, we find Federal agencies are not adhering to the FAIR Act; they are outsourcing without this control mechanism, and what we further find is that this outsourcing has not been beneficial to the taxpayer.

Let me give you an example. In the fiscal year 2000 Defense Appropriations bill, my Republican colleagues wrote, "There is no clear evidence that the current DOD outsourcing and privatization effort is reducing the cost of support functions within DOD with high cost contractors simply replacing government employees. In addition,

the current privatization effort appears to have created serious oversight problems for DOD, especially in those cases where DOD has contracted for financial management and other routine administrative functions."

My point is, there is no evidence that outsourcing is, per se, better than Federal employees. The United States Government has a great resource in its Federal employees. We also have a great resource in private sector companies. We ought to have a competition in which Federal employees can compete against private companies for those jobs that are considered for being contracted out.

That is what this bill would do. It is quite simple. It would give the taxpayer best value, both in terms of quality and in terms of cost. It merely requires the agencies to abide by our current law, which requires competition.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to oppose the amendment and claim the time in opposition. The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly agree with some of the things my colleague said in terms of outsourcing and trying to make it so it is not uncontrolled and unpredictable. The difficulty with this amendment is that it does not just implement the FAIR Act, the Federal Activities Inventory Reform Act. That act applied only to commercial activities.

This act, if you read the language, says none of the funds made available may be used to initiate the process of contracting out, outsourcing, privatizing, converting any Federal Government services.

This applies to IT functions, it applies to SEAT management, it applies to ship construction, it applies to Javits-Wagner-O'Day functions, engineering functions. What it does in these functions under the current regulations as they are written is we will have to use the A-76 process in terms of going out sourcing any of these.

The A-76 process is used in only 2 percent of DOD contracts, and in almost no civilian contracts, because it is a 2-year process. This would basically freeze outsourcing in non-commercial areas, something the FAIR Act was not intended to apply to originally.

This amendment, in my judgment, is going to hinder and possibly shut down segments of the Federal Government's operations because we do not have in many of these areas of high expertise information technology, engineering, the in-house capability to perform them.

Last year Congress mandated that GAO create the Commercial Activities Panel to study the policies and procedures governing the transfer of the Federal Government's commercial activities from its employees to contractors.

This panel is going to report back to Congress in May, next year, with recommendations for improvements. I believe that Congress should await the results of this review before we start to legislate on that issue.

So it is for those reasons that I would urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to comment on a couple points made by my good friend and colleague from Northern Virginia. First of all, it should be clearly understood, this amendment would not affect any existing contracts. Any existing contracts, commercial or non-commercial, are not affected by this bill.

Second, this bill is current law. Now, the gentleman may be correct in some respects that current law does not work as well as we would like, but that is not unique to this body, unfortunately; and efforts are under way to streamline current law. But it is current law; and it does say before you out source, you should have competition.

We regularly come to the floor and talk about the benefits to the taxpayer of greater competition. There should be more competition. Does the process take too long? Not necessarily, when you consider the length of some of the contracts involved, 3-year, 5-year contracts. The process is a reasonable process that gives Federal employees a fair opportunity.

If Federal employees are not performing some of these IT functions now, there would be no competition between Federal employees; it would be competition purely between private sector versus private sector. On the other hand, however, if Federal employees are performing these functions now and if they are doing a good job by virtue of both the cost that they charge to the Government as well as the quality that they provide based on their experience, then they should have the opportunity to compete to perform that contract as against a private sector company that is applying for that contract for the first time and may not be able to provide the same value.

I believe this is a reasonable approach.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I thank the gentleman for yielding me

time and also rise in opposition to this Wynn amendment.

Mr. Chairman, the fact of the matter is that the gentleman from Maryland (Mr. WYNN) has been honest about his objections. The gentleman from Maryland (Mr. WYNN) does not like outsourcing. The gentleman from Maryland (Mr. WYNN) wants to try and stop outsourcing as it is occurring across the Federal Government today, and several weeks ago we were in a hearing where we attempted to talk about not only the impact, but also how things are occurring in the marketplace today as a result of the FAIR Act.

I oppose this amendment because I believe that we are waiting to find out what the results really are. The hearing that we held offered an opportunity for both sides to provide input.

I believe that this will do today is to shortcut a process that had begun several years ago, where we are waiting to find out the real-life examples about how well outsourcing can take place, to where not only the effect of saving money, but also utilizing the most cost-effective services, to where we can allow agencies to go and do those things that are their core competency and to engage themselves in the effectiveness for government, is what we are after.

I support the gentleman from Virginia (Mr. TOM DAVIS). I think what the gentleman from Virginia (Chairman DAVIS) is talking about is defeating the Wynn amendment because it is shortcutting, short-circuiting, our ability to hear back a report that is due to us, where we can make a decision based on the facts of the case and what we are presently doing.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Each side has 1½ minutes remaining. Because the gentleman from Virginia (Mr. TOM DAVIS) is not a member of the committee, the gentleman from Maryland (Mr. WYNN) has the right to close the debate.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I am very much troubled by an article that was written by Steve Kelman, who was President Clinton's Director of Federal Procurement Policy in the White House. Many may know Steve, Mr. Kelman says,

This is not a pretty picture. If this was passed, it could literally grind government to a halt. What TRAC does is enormously expand the scope of the Office of Management and Budget's Circular A-76, and it will include services that have always been contracted out in the past. It particularly affects telecommunications services and information technology. It is a troubling procedure that almost exclusively focuses on costs, rather than best value, and demands huge investments of time and resources.

I think that is a troubling assessment from somebody who understands the issue.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I want my friend from Maryland to know I stand in opposition, but reluctant opposition, because I too see a lot of imperfections with the A-76 study approach. I see a lot of families getting booted in midlife, mid-career, and often the subcontractors come back and rebill their costs. So I see a lot of imperfections with it.

But I do think one of the problems with TRAC and the reason I have not cosponsored it is because, as the gentleman from Virginia (Mr. TOM DAVIS) says, you have engineering, a lot of subcontracting, and routine maintenance and security issues which the Federal Government under this legislation would not be able to farm out, and those are things the Federal Government needs to do.

I want to wait for the study, but I wanted my friend from Maryland to know I want to work with him in the future, but it is important to wait for the study.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I also want to pay tribute to my friend from Maryland, who I honor and look forward to working with; but on this issue we have to agree, this amendment is opposed by the ITAA, the American Electronics Association, the Professional Services Council, and, of course, the administration.

What this does is expand what is currently reserved for commercial activities, to Javits-Wagner-O'Day Act, to recompetes in many sources cases. This could grind outsourcing to a halt. That is our concern on this, that it is overly broad.

I intend to work with the gentleman over the next year to try to get something workable on this. We have held hearings in our committee on this, but I think this amendment goes too far and it is not in the interests of the American taxpayer. So I have to urge my colleagues to disapprove it.

Mr. WYNN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would first like to acknowledge the gentleman is absolutely correct, he has been very generous in attempting to work with us and allowing us to have hearings on this issue.

I want to make a few brief points that I have to emphasize. One, no existing contracts will be affected by this amendment; two, if this work is not currently being done by Federal employees and is in fact being outsourced and competed among private sector companies, that will continue. So those concerns probably do not apply.

Now, what we are saying in this amendment is simply this: follow exist-

ing law. Existing law, the FAIR Act, says there shall be competition, private-public competition or private-private competition. In the case of Federal employees who are doing a good job, they ought to have the right to compete to keep their jobs, to do the work and give the taxpayer best value. If the private sector company can do it better in terms of value and costs, then the private sector would get the contract.

Finally, the suggestion has been made that since we are having a GAO study, we do not need this amendment. I reiterate, this is the law. We ought to follow it. If the GAO study comes back and says we need to change the A-76 process, make it less burdensome, I would be the first one to say that is a good idea and we ought to do that and accommodate the need to streamline the process.

But competition is good for America, whether it is competition between two private sector companies or whether it is competition between hard-working Federal employees with high levels of competence and private sector employees, companies who want to take their jobs. Let the competition begin. I believe this amendment is consistent with that philosophy.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was rejected.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the last word and to lend my support to the Treasury-Postal appropriations bill before us that we are now debating and discussing. Although I unfortunately was not able to be on the floor during general debate, I really want to state my support for this bill and focus on an important provision that was included by the committee.

First, I am very pleased that the pay parity language for Federal employees and the contraceptive coverage for Federal employees were included during committee markup of this bill. These are necessary changes. I applaud the committee.

Secondly, I want to thank the chairman for including a 1-year extension allowing agencies to help low-income employees pay for child care. Many Federal employees are caught in a serious child care crunch. A recent study showed that one-quarter of all Federal workers had children under the age of 6 needing care at some time during the workday.

□ 1615

In some Federal child care facilities, employees are charged up to \$10,000 or more per child per year. Many Federal employees simply cannot afford quality child care. So giving agencies the flexibility to help their workers meet



their child care needs encourages family-friendly work places and higher productivity.

It is my hope that we can eventually pass a bill that will allow agencies to be authorized to permanently use money from their salary and expense accounts to help low-income employees pay for child care. I have such a bill, H.R. 555, that would do just that. I hope that the chairman would support me in such an initiative in the future.

Mr. Chairman, I encourage support for the bill.

AMENDMENT NO. 5 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SMITH of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction, after the President has certified to Congress that the Cuban Government has released all political prisoners and has returned to the jurisdiction of the United States Government all persons residing in Cuba who are sought by the United States Government for the crimes of air piracy, narcotics trafficking, or murder.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, might I inquire whether or not the gentleman from Arizona (Mr. FLAKE) will offer his amendment now, and then the time will be equally divided?

The CHAIRMAN pro tempore. Does the gentleman from Arizona (Mr. FLAKE) wish to offer his amendment at this time?

Mr. FLAKE. No, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman from New Jersey (Mr. ROTHMAN) seek the time in opposition to the amendment of the gentleman from New Jersey (Mr. SMITH)?

Mr. ROTHMAN. No, Mr. Chairman. I am sharing time with the gentleman from New Jersey (Mr. SMITH).

The CHAIRMAN pro tempore. Is there a Member seeking time in opposition?

Mr. FLAKE. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. SMITH) for 10 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. ROTH-

MAN), my good friend and colleague and coauthor of this amendment, be allowed to control half of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes and 15 seconds.

Among the largest new sources of revenue we could possibly provide the Castro regime at this point would be large scale United States tourism. So I and the gentleman from New Jersey (Mr. ROTHMAN) are offering this human rights amendment in the hope that any lifting of remaining travel restrictions to Cuba will be done carefully and thoughtfully with some regard to the consequences.

Mr. Chairman, it is important to be honest about what we are talking about when we talk about tourism to Cuba. The dictatorship gets rich—filthy rich—let us make no mistake about that, and will go on its merry way in arresting, beating, and torturing political dissidents.

Let me just point out, Mr. Chairman, that Human Rights Watch, in its report, and I urge Members to read it, makes the point that conditions in Cuba's prisons are inhuman. In recent years, Cuba has added new repressive laws.

Torture is commonplace in Cuba, and ugly beyond words. There is no freedom of speech or assembly in Cuba. The people of Cuba have no right to emigrate. And dissent continues to be suppressed with unspeakable cruelty. In light of this we should lift the travel ban. And to make matters worse, there is another outrageous lucrative form of travel to Cuba called sex tourism. Cuba is on the short list of destinations for middle-aged men looking for inexpensive commercial sex, including sexual exploitation by children, which is actively condoned by the government. We should have no part whatsoever in facilitating this kind of exploitation.

I want to make very clear, Mr. Chairman, that under current U.S. policy vis-a-vis Cuba much travel is permitted. As a result of Clinton's soft and feckless policy towards Cuba, Americans can and do travel to Cuba for certain purposes: journalism, educational purposes, humanitarian missions, government business, sick family members, and the list goes on. The amendment I propose today focuses on the tourist industry and whether or not reasonable, modest conditions should be imposed before we lift that particular travel ban.

Our amendment has two conditions: the Cuban government should return the violent criminals who have escaped American justice and who are currently hiding out in Cuba. The case of Joanne Chesimard is particularly egregious. Chesimard was sentenced to life

for the murder of a New Jersey State Trooper, Werner Foerster, but is now living it up in Cuba. She—and scores of other murderers and air pirates and drug smugglers—must be returned to the U.S. to serve their time behind bars.

The second condition, Mr. Chairman, has to do with the release of hundreds of political prisoners. The State Department's Country Reports estimates that there are between 300–400 political prisoners, and they are being mistreated, tortured and abused. Before we give the green light to tourism en masse, before we head to Havana with bathing suits in our bags and fun and diversion on our minds, let's not forget the persecuted and the oppressed.

Let us not abandon, undermine or betray some of the most courageous dissidents on the face of the earth.

We should lift the travel ban, if and only if all political prisoners are released. We should lift the travel ban, only when all cop killers and felons convicted in the U.S. are back in U.S. prisons.

Vote "no" on Flake and "yes" on Smith-Rothman.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. FLAKE AS A SUBSTITUTE FOR AMENDMENT NO. 5 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. FLAKE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE as a substitute for amendment No. 5 offered by Mr. SMITH of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 644. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

Mr. FLAKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and the gentleman from New Jersey (Mr. SMITH) each will control 10 additional minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to divide my time with the gentleman from New Jersey (Mr. ROTHMAN).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this substitute in the form of an amendment. As we grew up in school, we were told that the difference between us and other nations is that we would allow our citizens to travel anywhere they want to. We could travel the world, see other cultures, visit other countries, without fear that we would find something better. Here, we are being told that that is not right.

I as a government official can travel to Cuba, but if someone in my family or some of my friends at home or others want to travel to Cuba, they have to seek a license. Now, that is wrong.

This amendment simply states that we ought to allow everybody the same privilege that we have as government officials. They ought to be able to travel to Cuba. We allow individuals to travel to North Korea. There are terrible human rights abuses going on there. We allow individuals to go to Sudan. There is human slavery going on in Sudan, probably discovered by people going there on visits. We allow people to go to Iran. Iran considers us the "Great Satan" and has been implicated in State-sponsored terrorism. But somehow, we still do not allow our citizens to go to Cuba. That is simply wrong.

Now, Fidel Castro, let us stipulate from the very beginning, is a tyrant, and we ought to stipulate that from the beginning and decide how best can we bring change to that island. The best way, I believe, is through engagement, not isolation.

Mr. Chairman, I reserve the balance of my time.

Mr. ROTHMAN. Mr. Chairman, I yield myself such time as I may consume.

First let me thank the gentleman from New Jersey (Mr. SMITH), my distinguished friend, who is really a national leader around the world for human rights, and it is a privilege to be a coauthor of this amendment with him.

In 1973, Mr. Chairman, New Jersey State Trooper Werner Foerster was shot in the back of the head on a New Jersey highway. A New Jersey jury, after its deliberations, convicted Joanne Chesimard of first degree murder and sentenced her to life in prison for the death of New Jersey State Trooper Foerster. She escaped prison and she went to Cuba where she now resides and lives freely. She is one of over 77 convicted felons living in freedom in Cuba. We cannot get her back. Why not? Castro will not send back those Americans convicted of crimes in America, including murder and air piracy; he will not permit them to come back.

Now, some of my colleagues, good and decent people all, wish and believe forthrightly that travel restrictions should be lifted on Cuba. They say it hurts Americans.

Well, we have sanctions on all kinds of countries. We had it on Libya, we just voted on that yesterday; Libya and Iran, and other countries who do terrible things to our people. Cuba is doing the same. Think of the widow and the orphaned son of Trooper Foerster and those families of the other victims of the 77 felons still in Cuba. How would we answer them when my colleagues say, well, let us release and do away with all restrictions on travel to Cuba. They have no good answer. Castro must release those individuals and then we can have free trade with Cuba. We already have some trade and travel with Cuba; we need the stick and carrot approach. Castro needs to return those convicts to serve their time in America.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the substitute amendment offered by the gentleman from Arizona (Mr. FLAKE) to ensure that no funds in this bill may be used to enforce travel sanctions on Cuba.

Mr. Chairman, in January of 1998, I was in Cuba to witness the historic visit by Pope John Paul II. During his time in Cuba, the Pope declared "May Cuba, with all its magnificent potential, open itself to the world and may the world open itself up to Cuba."

Mr. Chairman, whenever I travel to Cuba, I try to meet with Ekizardo Sanchez, one of the most respected dissidents inside Cuba and someone who actually spent 8½ years in a Cuban prison. Mr. Sanchez has repeatedly stated, "The more Americans on the streets of Cuban cities, the better for the cause of a more open society in Cuba."

I firmly believe that unrestricted travel by Americans to Cuba would be one of the best actions the United States could take to open political space for all Cubans. Most importantly, however, I support this amendment because I firmly believe it is the right of all Americans to be able to travel wherever they wish.

The current sanctions on travel to Cuba are undemocratic and go against the traditions and the values that make the United States of America so great and so respected in the eyes of the world community. The American people are not fools. They should be able to see firsthand both the good and the bad about today's Cuba. They do not need the United States Government to censor what they can see.

I trust the American people. I believe in their right to travel freely. I should

also add that I have met with countless Cuban Americans who believe they should have the right to visit their relatives in Cuba any time they want and not just when some bureaucrat at the Treasury Department says they can.

Last year, this amendment passed with strong bipartisan support. I urge my colleagues to support the Flake substitute. This is the right thing to do. I hope it will be passed with a very strong vote.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairwoman of the Subcommittee on International Human Rights.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong opposition to the Flake amendment because it would prolong the suffering and the oppression of the Cuban people under the totalitarian Castro regime, and I support the Smith amendment, because it would deny the Cuban dictatorship additional funds to host killers of U.S. police officers, cop killers such as Joanne Chesimard, who gunned down, in cold blood, New Jersey State Trooper Werner Foerster, or those who murdered New Mexico State trooper, James Harper.

The Flake amendment, however, would help keep those and other fugitives of U.S. justice in the lap of luxury, fugitives wanted for murder, for kidnapping, for armed robbery, among other terrible crimes.

The Fraternal Order of Police has said this about attempts such as the Flake amendment: "The American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the fabric of our society to foreign dictators like Fidel Castro."

I oppose the Flake amendment because it would provide that Communist regime with much-needed hard currency to extend its reign of terror.

□ 1630

This amendment would help propagate a system of slave labor, where 95 percent of workers' wages are retained by the dictatorship, where the workers have no individual or collective rights as they must remain subservient to the Communist party and the upper cadres of the tyrannical regime.

The Flake amendment would help promote a tourist industry built on prostitution, particularly teenaged prostitution, and the exploitation of women. In fact, Cuba's tyrant Fidel Castro has boasted to his national assembly that highly educated jineteras, who are prostitutes, have low rates of AIDS, and, therefore, there is no tourism healthier than Cuba's. This appeared in the July, 2000, edition of the New Republic.

I rise in support of the Smith amendment because he does not ignore political prisoners, such as Dr. Oscar Elias



Biscet, Vladimiro Roca, and Jorge Luis Garcia Perez, who languish in squalid jail cells in isolation, devoid of any light.

I ask my colleagues to search their conscience, to listen to the echoes of America's Founding Fathers who understood that when one people suffer, all of humanity suffers.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I rise in strong support of the Flake amendment. Many years ago, Hans J. Morgenthau once said that when food does not cross borders, troops will. What he meant by that is the basic of all relationships is really trade and commerce.

I sincerely believe that not only what Hans J. Morgenthau said, but also what one of my predecessors, Congressman Steve Symms, said when the Carter administration first shut down free and available travel between the United States and Cuba.

He said, if we truly want to change Cuba, if we truly want there to be a revolution, what we should do is load up a B-52 bomber and fly over the Cuban island and open those bomb doors and allow millions of Sears Roebuck catalogs to fall on Cuba. And when those Cubans opened those catalogues and see what they do not have, Mr. Chairman, they will cause their own revolution.

Mr. Chairman, let us open the doors and let the light shine in. Instead of taking our word for it, the American people can go find out for themselves.

Mr. ROTHMAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I ask my colleagues who wish to support the Flake amendment, how did my colleagues just vote on the Iran-Libya Sanctions Act? Did they say, we do not need sanctions? No, they said, in some circumstances, sanctions are appropriate.

In this case, we need sanctions to make sure that Castro returns the killer convicted by an American jury, sentenced to life for the bullet in the back of the head to a New Jersey State trooper, and the 76 other convicted felons he is harboring in Cuba living free.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would say to my friend, the gentleman from New Jersey, he keeps confusing sanctions with travel bans.

The gentleman has supported, this body has supported, a law which has been in effect now for 7 years which says, when we impose sanctions, we can no longer restrict the right of Americans to travel. Iran sanctions, yes. Banning Americans from going to Iran, no. That is existing Federal law.

I hear and I understand the evils of the Castro regime and the stories. Are they worse than any of the stories of the gulag in the Soviet Union, or Communist China during the cultural revolution, or North Korea, or any other place where Americans have an unimpeded right, and always did, to travel? Why? Because it is in America's foreign policy interest to establish contact with the people of those countries. People-to-people diplomacy is the most effective diplomacy.

Why is Castro still in and the Soviet Union collapsed? What a great policy we have. He is the longest-standing leader in the world. Boy, has American policy worked.

By the way, to my friends on the other side of the aisle, people who make compelling arguments frequently about the absurdity of some government regulation, the notion that a Federal agency, the Office of Foreign Assets Control, decides who can go and who cannot go, whether we like the purpose of the trip or whether we do not.

Micromanaging the details of the individual American's right to go to a place and establish those contacts I suggest to Members is totally inconsistent and an anathema to the entire philosophy of the GOP party. This is the most absurd kind of regulation, that seeks to determine which relatives have positive purposes, which people have negative purposes.

It does not work. Government cannot handle that. This is a relic of another time. Make this Cuba situation the same as Iran, Russia, all the other authoritarian regimes where Americans are permitted to exercise their constitutional right to travel. Vote for the substitute and against the underlying amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

I just want to talk about three people. Their names are Rocco Laurie, Werner Foerster, and Joanne Chesimard.

Rocco Laurie was born in Staten Island. He joined the police department in the late 1960s and then enlisted in the Marine Corps and went to Vietnam. He came back to rejoin the police department.

He was married in May of 1970; and, in 1972, he and his partner were on a foot patrol in the lower East Side of Manhattan. His partner was shot eight times in the back and was killed instantly. Rocco Laurie was shot seven times. He died 5 hours later.

Werner Foerster was a State trooper who was shot twice in the chest and then, execution style, twice in the head by Joanne Chesimard. Joanne

Chesimard was convicted and then fled the United States and lives, I guess, as a hero in Cuba.

Recently, a couple of months ago, her companion so many years ago was arrested. He has now brought forward charges and reports that Joanne Chesimard was involved in planning the assassination and killing of police officers Rocco Laurie and Foerster, who were gunned down more than 30 years ago.

Is it too much to ask that we declare and demand of Fidel Castro that he send someone like Joanne Chesimard back to the United States before we pay him these courtesies? Do we not owe it to the honor of their families, their legacies, their wives, their police department, the communities from which they came? Is that too much to ask?

I think that is the purpose here. Send those cop killers back, people who robbed innocent people of their lives, so that then we can go about our travel. That is fair and reasonable.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman for yielding time to me.

I am somewhat surprised by my presence today on the House floor. It was a year ago this month in which we addressed the issue of Cuba and the opportunity to sell agricultural commodities, food, and medicine to that country. By an overwhelming vote of both parties in this House, this amendment was passed. Ultimately, through a long process, that amendment is being implemented, and rules and regulations have been announced by the Department of Treasury for us to comment on, and the opportunity for that trade, at least in theory, is now taking place.

In that same time frame, an amendment was offered to do what the gentleman from Arizona attempts to accomplish today, and by a vote of 232 to 186 we all agreed that travel to Cuba should be allowed. Yet that part of the day's activities a year ago remains to be implemented.

So I rise today to support the gentleman from Arizona in his effort to open the opportunity.

My interest in this topic began really in a selfish way, in trying to find a way to create additional markets for the farmers of my State, a place to export their agriculture commodities. But as I addressed and concerned myself with this issue, it became clear to me that this is something more than just about the self-interest of trade and exports of agriculture commodities to Cuba. It is about Cuban people. It is about freedom. It is about democracy. This is about the opportunity of changing a way of life.

In Kansas, we will try something once. If it fails, we very well may try it

again, but if it fails a second time, we are going to be a little more skeptical. Maybe by the third time after failure we will decide to try something new.

For 42 years we have tried to change the government of Cuba, and we have failed. It is time for us to try something different that actually may work. It is time for a change. So Kansans with their common sense would say, okay, we tried, it does not work. Is there not something else we can do?

All of us want to change. Everyone that I have heard speak today wants to change the behavior of the government in Cuba. The question is, how we do it? What we have done does not work. I rise in support of the substitute offered by the gentleman from Arizona.

Secretary of State Colin Powell said that we will participate in activities with Cuba that benefit the people. I have now met with the dissidents of Cuba who say that this is the right policy and that we can change the behavior of the country for the benefit of the Cuban people. I ask that we try something new today.

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Smith-Rothman amendment and in opposition to the Flake amendment. People of good will can have different opinions regarding the efficacy of easing restrictions, travel restrictions on Cuba. But certain facts are undeniable and are undebatable:

First, Cuban citizens enjoy no rights of free speech;

Second, there have been and there is no prospect of there being any democratic free elections in Cuba;

Third, as has been already pointed out, Cuba holds hundreds of political prisoners who are only guilty of being people of conscience;

And, fourth, Castro continues to disrespect in its entirety any basic level of human rights for his own people.

Then, on the other hand, the gentleman from Arizona (Mr. FLAKE) argues that, although that may be true, the way to change that is for more Americans to go to Cuba and allow more cash into Cuba.

I only wish that were true. If it were true, it already would have occurred, because Europeans and South Americans and people all over the world have been travelling to Cuba for years.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in support of his amendment.

Mr. Chairman, it is not difficult to support the positions that are taken by both sides here, those who have convicted murderers in Cuba and would want to see that they meet justice here in the United States.

For those, it would seem to me that the best way to do it is the way we do it with other countries, and that is to have extradition treaties. We cannot have that unless we are trying to have some relationship, unless we are trying to talk to people.

What you are doing here really is not beating up on Fidel Castro. He could care less what we are talking about here today. \* \* \* You are saying that we do not trust Americans.

Mr. SMITH of New Jersey. My amendment is not disgracing anybody. I deeply resent it. \* \* \*

Mr. RANGEL. I think the gentleman is out of order.

Mr. SMITH of New Jersey. The gentleman's disrespect is out of order.

Mr. RANGEL. I am telling you this, that Americans—

Mr. SMITH of New Jersey. I ask that words be taken down, Mr. Chairman.

The CHAIRMAN. The gentlemen will suspend.

Would the gentleman from New Jersey again state his request of the Chair?

Mr. SMITH of New Jersey. I would ask that the words that we were disgracing the American people with this amendment be taken down.

First, I would ask that those words be read back.

The CHAIRMAN. Members will be seated.

The gentleman from New York (Mr. RANGEL) will be seated.

The Clerk will report the words.

□ 1645

Mr. RANGEL. Mr. Chairman, I ask unanimous consent that my words be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman's words are withdrawn.

We will now proceed in order, and the gentleman from New York (Mr. RANGEL) has 45 seconds remaining of the time that was yielded to him by the gentleman from Arizona (Mr. FLAKE).

Mr. RANGEL. Mr. Chairman, I would like to make it abundantly clear to the gentleman from New Jersey (Mr. SMITH) that the concept that I think is disgraceful has nothing to do with individuals but has something to do with the American people having the right, in my opinion, to visit any country that they would want to visit.

I really believe that it is very bad policy for Americans, who are able to go to China, able to go to North Korea, able to go into Moscow, to be able to say that we are this fearful that we will be overwhelmed by the people, the good people in Cuba, or by Fidel Castro or by the military. So it seems to me that it is really offensive to the American people for someone to say that they have such little confidence in

their willpower to succumb to communism in Cuba when we are strong enough, we are the strongest Nation in the entire world, to be able to say that flag that flies so hard is our flag.

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the amendment that my friend, the gentleman from Arizona (Mr. FLAKE), has presented, and certainly in support of the amendment offered by the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from New Jersey (Mr. SMITH) before the body today.

Cuba is different. Cuba is 90 miles away. It is in this hemisphere. The Secretary of State of the United States says Cuba is different in treatment on these issues. The President of the United States says Cuba is different in treatment on these issues. Within the last 2 weeks, the President has said that the United States stands opposed to such tyranny, talking about Cuba, and will oppose any attempt to weaken sanctions against the Castro regime until it respects the basic human rights of its citizens, frees political prisoners, holds democratic free elections, and allows free speech.

That is a higher standard than even the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from New Jersey (Mr. SMITH) have put forth in this amendment. This is a sanction. Clearly, it is a travel sanction; but it is a sanction on a country that is the only dictatorship in our hemisphere.

Mr. Chairman, 77 convicted U.S. felons are in Cuba, people who have killed police officers are in Cuba, people on the FBI's 10 most wanted list are in Cuba. We need to have respect for our rule of law before we move forward with this kind of change in policy.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of his amendment.

Mr. Chairman, Cuba is a country roughly the size of Pennsylvania with a population approximately double the size of Indiana, about 12 million people. Yet with our failed policy of the last 40 years, we have elevated Castro and Cuba to China or Russia proportion. With our foreign policy, we trade with Russia. We let our people travel to Russia. We trade with China. We let our people travel to China. And we should be doing the same with respect to our foreign policy and Cuba.

There are three good reasons to vote for the Flake amendment: first of all, for our constitution. Our citizens' constitutional rights should not be trampled upon, forbidding them from travel to Cuba; but we should allow them to



travel with the Constitution and take it to Cuba and show our freedoms and our liberties and other respect for human rights.

Secondly, having just been down to Cuba 2 months ago, having met with representatives of the Catholic Church, dissidents, human rights' leaders, people that have been in prison, what do they think about lifting the travel embargo? They are for it. Now, we can talk all around this issue in this great Chamber, but what about the people that are most affected by this policy? They want us to lift the travel embargo, the people that are dissidents and human rights' leaders and leaders of the church in Cuba.

Thirdly, Castro. Castro uses this trade and travel embargo to blame us for his problems. Let us open up the system to American ideas of human rights, free markets, capitalism, respect for one another and for the right to vote. Let us try and change after 40 years of failure. Let us vote for the Flake amendment.

□ 1700

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, this is an issue that, from my district at least, is a local issue. I represent a district that is 90 miles from the shores of Cuba and people visit under the existing process right now.

But one of the things that has been talked about, as recently as my last colleague who spoke, many of my colleagues have visited Cuba and they have met with dissidents and they have stayed in hotels. One of the things they are probably not aware of is that no Cuban is legally allowed to eat and enter a hotel in Cuba. They might have eaten with one of the so-called dissidents, but it was illegal under Cuba law, and the only reason why they could is because they are a Member of Congress.

Cuba is treated differently. But there is no other name on the list that people have offered that is 90 miles from our shore, but also has a unique system that Cuba has.

People have talked about Castro being in power for a long time. In many ways this dictatorship has been the most controlling in the world. If we look at the process of tourism and what keeps the Castro dictatorship around is, in fact, hard dollars. Passing the Flake amendment would, in fact, enable Castro to continue.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, 10 years in prison, a criminal fine of \$250,000, a \$50,000 civil penalty. Are these punishments for bank robbers, ax murderers, Al Capone, John Dillinger? No. No. This is what can happen to a

United States citizen exercising his or her constitutional right to travel to Cuba without a license.

What is this license? In this case it is permission. Permission from our own government to exercise a fundamental constitutional right. We are treating our own citizens like school children who need permission to leave their classroom. We would expect this from the Cuban government, not from the government of the United States.

In fact, what we have done is erect our own Berlin Wall preventing free travel of American citizens. To paraphrase a former president, President Reagan, it is time to tear the wall down.

The travel ban has allowed our preoccupation with Fidel Castro to undermine a fundamental constitutional right. So let us invade Cuba, again, but let us do it this time with academics, missionaries, investors, human rights activists, and tourists. Let the college kids on spring break be the vanguard of this invasion. I know and I am confident that the result will be victory for the Americans and for the Cubans.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I was having a conversation with a colleague last night about this issue. He said a dissident came from Cuba and lobbied against the embargo. I tried to point out that if the totalitarian regime in Cuba allows one to come to the United States to lobby against sanctions against the dictatorship, it is with precise permission. If, however, one is truly seeking democracy, they are thrown in a dungeon or thrown out of the country or executed.

So what the Smith-Rothman amendment is saying is before the \$5 billion a year, at least, in American tourism is sent to the dictatorship, let the representatives of the Cuban people, the leaders of the political parties, let them out of prison, and the cop killers and other fugitives from American justice including Joanne Chesimard and the other ones that the gentleman from New York (Mr. FOSSELLA) so eloquently was talking about, send them back and do not have them living in protected luxury by the totalitarian regime 90 miles away. That is all the Smith-Rothman amendment is saying.

It is not a question of insulting anyone's intelligence. It is a question of saying the people who represent the Cuban people, who are in prison today have a right to be free, and those who kill American cops and sell drugs and are terrorists have a need to be in prison in the United States.

Vote for Smith-Rothman. Vote against the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I rise in strong support of the Flake substitute amendment and I do so because our current policy towards Cuba is a relic and it needs to be updated.

It should be a priority of this Congress to change any program or any policy if it is deemed to be unsuccessful. Yet, we have allowed 40 years of unsuccessful public policy, and we have done next to nothing to improve it.

One way to foster change is through this amendment of our colleague from Arizona. The amendment would prohibit Treasury funds from being used to regulate the travel of American citizens to Cuba. It would effectively open up Cuba's borders for the free world and for free world ideas.

Mr. Chairman, when I came to Congress, it is fair to say that I was inclined to believe that we needed to reassess our relationship with Cuba. After visiting Cuba myself this year and meeting with the fantastic people of that country, I returned convinced that our policy is wrong. Americans want to travel to Cuba by an overwhelming 66 percent. Doing so will be good not only for the Cuban people and for Cuba, but it will be good for our country. Maintaining the status quo will do nothing to foster democracy in Cuba. We need to speak strongly today on the floor to reverse 40 years, 40 years of unsuccessful public policy. We need to tear down this travel ban, and we need to allow Americans to travel freely to other countries.

Mr. ROTHMAN. Mr. Chairman, I yield 3¼ minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished ranking member of the Subcommittee on the Western Hemisphere.

Mr. MENENDEZ. Mr. Chairman, I have heard the voices of those who think Fidel Castro is a great guy; and I have heard the voices of those who want to do business in Cuba at any price, regardless what that price is. Americans love to travel, but they love democracy and human rights, and they love that more than anything else because they enjoy it more than any other country in the world.

The belief that Americans can change Castro through tourism flies in the face of millions of visitors from Canada, Mexico, Spain, Europe, Latin America and other parts of the world who over the last decade have visited Cuba and have not had one iota of change towards democracy and human rights.

We are a great people, but to believe that we uniquely possess the one key that can unlock, the changing of the mind of Fidel Castro, is to be incredulous.

What this amendment would do if adopted, it would take a law and let it lawlessly be violated because we would have no enforcement funds to prosecute that law. If you do not believe



that the law is legit, change the law. But do not act lawlessly by saying we will not enforce a law that exists on the books.

Mr. Chairman, it will open the floodgate of dollars to Fidel Castro's Cuba. If the American people knew that 60 percent of Cuba's GDP goes to a tourism industry that is a state-run operation, a tourism industry by which Fidel Castro owns 50 percent of all of the foreign hotels and all of the Dollar Stores, which are inflated, to gouge tourists who go, they would say no, I will not visit there.

If, in fact, they knew that tourism does not go on behalf of the Cuban people but goes on behalf of the state, they would not go there. If they knew when they visit those hotels and tourist spots that the workers there cannot be hired directly by that foreign company, but is hired by the state employment agency sent there for which the state employment agency is paid in dollars, and Cubans are paid in worthless pesos, which is the equivalent of slave labor, to those of my colleagues who believe in the trade labor movement and labor rights, they must vote for the Smith amendment and against the Flake amendment.

For those who believe that, in fact, opening up the flood gates, as is suggested, and I do have great faith in Americans, but what happens when they go to Cuba, suggestions that tourism will facilitate visitation and engagement with human rights activists, political dissidents and independent journalists should be dispelled by the fact that Cuban law makes it a crime against the state to engage human rights activists and political dissidents. And believe me, that law is enforced.

Ask the two Czech citizens, one a parliamentarian and the other a journalist, who traveled to Cuba as tourists and were engaged with human rights activists, and were imprisoned.

Mr. Chairman, sunning one's self on the sand and surf on Varadero Beach, taking in a show at the Tropicana, smoking a Cohiba and sipping a Cuba Libre may indulge the fantasies of some, but it will not bring democracy to the Cuban people, it will not bring freedom to the Cuban people, and it will not bring respect for the human rights for those people in Cuba.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman from Arizona for his amendment. It is the right thing to do.

Mr. Chairman, I have not heard anybody on this floor suggest, as my friend from New Jersey stated, that we think Fidel Castro is a great guy. I do not know where that came from. Nobody has suggested that. I do not think anybody comes close to believing that. We

know he is a dictator. There is no question about that.

But we want the idea of American freedom to find its fruition in Cuba as well as America. This travel restriction is un-American. Americans should be able to travel any place they want. And as they travel, they communicate with the citizens of other countries. When the Cuban people see the way we live because of what we believe in, that is going to topple the dictatorship.

Forty years. How long does it take to realize that a policy is not working? Our current Cuba policy has not worked. Let us build upon the freedoms that every American citizen represents when they travel someplace else.

Let me suggest to my colleagues that the historical context should be considered here as well. If it had not been for the way that the former regime had treated the Cuban people, the Communist Revolution could not have succeeded. The Batista government treated many of the Cuban people miserably, particularly its darkest-skinned citizens. That history has a lot to do with why Fidel Castro is still in power today.

Now it is time to try a different approach. Now it is time to let, yes, our students; imagine what would happen if they went to Cuba on a spring break. Fidel Castro would have nightmares over that threat.

But when Cubans see the way we live here, that is what is going to bring freedom to Cuba, and that is what is going to enable us to trade with Cuba, and that is what is going to enable us to have a real neighbor that we can work with.

Mr. Chairman, 40 years is too long. It is time to realize that the policy we are using today is not working. Let us try a new one. Let us pass this amendment.

Mr. ROTHMAN. Mr. Chairman, I yield 1¼ minutes to myself.

Mr. Chairman, there are several points I would like to make. Number one, there has been some statement that restriction on travel to Cuba would be unconstitutional. That is incorrect.

The United States Supreme Court has twice ruled that travel restrictions on Cuba, on Americans traveling to Cuba, is constitutional: *Zemel v. Rusk* in 1965, *Regan v. Wald* in 1984.

Forget the Constitution, we just exaggerated saying it is unconstitutional, is it the right policy choice? That is a fair question.

Mr. Chairman, I believe it is the right policy choice, and we choose to impose different treatment to different countries based on our own belief of what is fair and what will work.

□ 1715

Make no mistake about it. There is some travel now to Cuba. If we eliminate all those restrictions, Castro will

benefit by \$5 billion in American hard currency.

Do we want to let him say 40 years of totalitarian rule will be rewarded with this? Treatment of your political prisoners will be rewarded with billions of dollars of American cash? Your failure to return cop killers, people who were convicted by juries in America, juries of their peers, of first degree murder, sentenced to life and Castro holds them in luxury and freedom down there and will not release them? What is the message we send to American law enforcement, State and local, about what we will do if they get killed by someone who then seeks refuge in Cuba?

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this has been a great debate. I said at the beginning that we ought to stipulate that Fidel Castro is a tyrant, that he is a liar, but I am surprised that those who agree with me on that are so eager to accept the notion that he wants tourism, that he wants more trade. I would submit that he does not.

When I was a child and my room was messy, the last thing I wanted was for my mother to come in. You do not want people to come in. So why should we take Fidel Castro's word for it? We ought to send our people there.

Let me just close by saying, it has been said that people can have differing opinions on this subject. They certainly can. Those who believe in isolation have had the last 40 years. It is time for those who feel differently to enact a new policy and move forward. If freedom is what we want for the Cuban people, let us exercise a little more of it ourselves.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time.

I was sitting here watching the debate. It was almost identical to debates of old, when we were fighting for freedom in the Soviet Union, when we were fighting for freedom in El Salvador, when we were fighting for freedom in Nicaragua. History proved us right and proved you wrong.

Allowing travel to Cuba is a terrible mistake. The benefits of free trade cannot flow to people who are ruthlessly oppressed by a rigidly controlling totalitarian regime. Supporters claim that American tourists will help average Cubans. But letting Americans travel to Cuba will strengthen Castro and do nothing to improve the lot of average Cubans. Freedom cannot penetrate Castro's Communist cadre because it operates more like an organized crime syndicate than a legitimate government.

But surely, we are told, joint ventures with foreign investors will

change all that. All joint ventures in Cuba remain under Castro's thumb. Those businesses cannot even hire a Cuban worker without Castro's blessing. All the property in Cuba belongs to Castro. All the income that comes from these Americans will go to Castro.

We are also told that if we support trade in China, we ought to support it in Cuba as well. But China and Cuba, I think, is a poor comparison. In China, the government is allowing the rudiments of a market economy to form. Trade with China does benefit average people. Cuba is a monolithic island under the heel of Castro's regime. Under this dictatorship, the only entrepreneur is Castro. Castro's thugs cannot meet the basic needs of their people. This tyrant is teetering on the brink of an abyss. Why in the world would we reach out now to draw his evil, abusive regime back to safety?

Let it fall. Let it fall and liberate the Cuban people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

Therefore, further proceedings on the first-degree amendment offered by the gentleman from New Jersey (Mr. SMITH) will also be postponed.

AMENDMENT NO. 7 OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. RANGEL:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104-114), except those provisions that relate to the denial of foreign tax credits or to the implementation of the Harmonized Tariff Schedule of the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. RANGEL) and the gentleman from Florida (Mr. DIAZ-BALART) each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Chairman, in the shadows of this great Republic of the United States is a small island 90 miles off our shore called Cuba. The most powerful Nation in the world somehow just fritters when we consider talking to the Cuban people, trading with the Cuban people or visiting in Cuba. The sanctions that we have had against this small nation that have been locked into place for over 40 years just have not worked. They never do. Unilateral sanctions never do work. It is so arrogant that not only do we have these sanctions against the Cuban people and their government but we are arrogant enough to put sanctions against our friends and our allies that want to do business with the people in Cuba.

It falls beneath the dignity of a great country to try to bring down a government in any country by using food and medicine and economic exchange as a weapon in order to do that. There is no way that we are going to convince the American people that Fidel Castro is more of a tyrant, more of a dictator, more oppressive than people in other parts of the world which we are doing business with.

In this very body, I could hear the opposition saying, "The only way to bring down communism in China is to engage these people in economic activity. The only way that we can bring about democracy is by using the tools of trade and cultural exchange."

We are saying the same thing about Vietnam, and a bill will be up before we go on recess, a country that is responsible for the taking of so many American lives. Again in North Korea, they are responsible for the loss of so many American lives. Again in China, responsible for the loss of so many American lives. We have never even had anyone mugged in Cuba. Yet we are saying that we have a higher standard in terms of ignoring the country and providing sanctions against us.

But there is something else, too. Trade is a two-way street. We now have farmers in the United States that have had markets closed to us. It just seems to me that if China has to go all over the world to get its dairy products, its meat, its rice and its chickens, then why should the United States of America markets be closed? Why should Cuban Americans not be able to do business with Cubans? Why do we put these handcuffs on ourselves when we truly believe that trade and opening up new economic opportunities is really the key to democracy?

So it just seems to me that, once again, we have an opportunity by taking away the funds that really operate this bureaucracy and to say that we re-

spect the American people, we respect their economic judgment, and we respect the right of Americans to travel anywhere that Americans want to travel, that we are a strong people, we have a rich history and we do not allow Communists to frighten us here in the United States, in Havana, in Moscow or Hanoi.

Mr. Chairman, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished chairman of the Subcommittee on Human Rights.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise today in strong opposition to the Rangel amendment because Cuba's terrible record of human rights violations was not exported there. The degrading treatment that the Castro regime inflicts on its own citizens is not the end result of the U.S. embargo on Cuba. The embargo is not responsible for the gulags for prisoners of conscience. The embargo does not forbid independent labor unions from existing. The U.S. embargo is not responsible for the systematic persecution and mistreatment of religious organizations, nonviolent opposition movements and human rights dissidents.

The U.S. embargo is not what drives a police officer to beat unconscious a political prisoner while she is on a hunger strike. The U.S. embargo does not mandate the summary execution of independent journalists and conscientious objectors. It is the totalitarian regime and its tyrannical leader who are the sole creators of a state that has perpetrated the most deplorable violations of fundamental human rights and freedoms against its own people throughout the last 42 years.

How does this Congress tell Vladimiro Roca, who is going on his 1,471st day in prison, the last 1,343 of those days have been spent in solitary confinement, that the very embargo he praised in a pamphlet entitled, *The Homeland Belongs to Us All*, an action which led to his imprisonment, will be weakened by those who choose to justify the inhumane behavior that Castro renders on his people?

They demand the innate human rights that every individual should never be denied. Castro has repeatedly stated that he will not change. He has underscored his position over and over again of socialism or death.

The regime continues to exert absolute control over all investments and business endeavors, requiring that all payments be channeled through the dictatorship's agencies. Its disregard for property rights of any kind has resulted in the regime falling into disgrace with even its most loyal trading partners, such as Canadian, Mexican and European investors whose machinery and payments have been stolen by the regime.



I urge my colleagues to strongly vote "no" on this amendment that goes against our American principles of freedom and human rights.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the gentleman's amendment that we normalize our relationship with that tiny island 90 miles off our coast. I do not think any of us are here today to condone Castro's actions. That is not the point. The point is that we need a rational foreign policy toward Cuba that is not based on emotion.

Yes, we want cop killers back in the United States. No, we do not condone gulags. But there are gulags in Cuba. There are gulags in China. There are gulags in Korea. That is not the point. We need a rational policy.

Second, the policy we have is not rational, and it has failed. It has failed for 40 years. It failed even when the Soviets abandoned Cuba. If this embargo did not work when the Soviets abandoned Cuba, it is never going to work. All it does is impose hardships on the Cuban people, and that plays right into Castro's hands.

Members of the State Department have said privately that this embargo is just what Castro wants, because it bans Cuban nationalism and allows him to continue his regime. Let us normalize our relationship as we have done with China and other countries.

Mr. DIAZ-BALART. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

□ 1730

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I wanted to, number one, stress to all of those who may be listening that the United States embargo allows the donation of food, clothing and medicine to the Cuban people. The embargo also allows the controlled sale of medicine, medical supplies and agriculture products to Cuba. It is extremely important for us to remember that, because people keep saying and acting like that is not the case. We have taken allowance to put in humanitarian considerations in there, which is far more than we get out of Castro.

Now, a lot of people keep talking about China, and I just returned from China 2 weeks ago, and want to talk a little bit about the difference between Communist China and Communist Cuba. Number one, they have a precedent. They do have two systems under one nation. Hong Kong, they have left the capitalism in Hong Kong. China has not infiltrated that and messed it up.

Secondly, they can also look across the waters and see Taiwan, which they consider still part of China and a province, but they understand how capitalism works because of Taiwan and because of Hong Kong.

Number two, China is eager to get into the WTO, not just as a business proposition, but they are interested in joining the world community today, one of human rights and business transparency and labor unions and audits and all the things that we have in the West.

Number three, there are already American companies doing business in China: International Paper, Rayon Air, Motorola, Coca-Cola. Motorola, 12 percent of their receipts are from China right now. The Chinese people are interested in capitalism, and the reason is, their brand of socialism is China, Inc., what works. They do not have this mantra to the throne of Karl Marx the way Mr. Castro does.

It is very important to remember that Jiang Zemin is far more democratic than Fidel Castro. That is why he is not afraid to have the Olympics come to Beijing and open up the nation to the scrutiny of the world by having the Olympics right in his capital.

I also want to say Russia has been aluded to here. Here again, you do not have one person. I went with the Speaker when the Speaker of the Dumas invited the gentleman from Illinois (Mr. HASTERT) on a trip, and they wanted to talk to us about reform.

One of the big reforms that the Russian people were interested in was judicial reform. They are interested in democrat processes. They do not believe in the old tenets of communism of 50 years. China, reform; Russia, reform; Cuba, no, sir. They are still stuck in time, and as long as Fidel Castro is there, they will not change.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Rangel amendment. Although relations with most communist governments, such as China and Vietnam, are normalized, the United States continues to prohibit virtually any and all political, economic, or even cultural exchanges between the people of the United States and the people of Cuba. Since the early days of the Cold War, our government has been entrenched in an absolute embargo that has created much suffering on this Afro-Hispanic island only 90 miles away. This embargo is archaic, it is inhumane, and it must be changed.

Like many Members, I, too, have visited Cuba many times and met with the anti-Castro organizations. But, barring none, they communicated that the best way to address all issues, including human rights concerns, is to at

least end the embargo, so dialogue can take place.

We all must be concerned about human rights violations, wherever they may occur in the world, including in our own United States of America, as minorities in our own country clearly understand. But the United States embargo against Cuba is a failed policy that has only served as an impediment to a rational foreign policy.

Now, for those who support fair trade, which I do, it is wrong to prevent the United States companies, our U.S.-based companies, our farmers, especially, from accessing the Cuban market. This could also mean thousands of jobs for United States workers. So we are really doing a disservice to our own people in our own country.

Not only must we strike down the restrictions on United States citizens' travel to Cuba, but we should end the embargo, and we should end it right away. It is the right thing to do.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I listened to my colleagues, and it is interesting, when we talk about Cuba, the word "emotions" always slips in; but I hear my colleagues come to this floor on other parts of the world, on questions of famine and human rights and AIDS, and they speak very passionately. We do not say it is an emotional issue.

We also question China, and yet many people vote against China MFN because they believe China should be sanctioned in that regard, but they believe we should lift everything as it relates to Cuba. But forced abortion, arrest of dissidents, Tiananmen Square, a whole long list, it seems to me if that after 25 years of engagement is our human rights success in China, we should review that policy.

Lastly, why, if lifting the embargo means the end of Castro, why is it his number one foreign policy objective? If it means his end, as everybody would suggest, why is it his number one foreign policy objective?

The fact of the matter is that I would ask my colleagues who vigorously support human rights and democracy, who seek sanctions in other parts of the world, like the Sudan and other places, that they need to understand that if we vigorously enforce a sanctions regime wherever we seek to impose sanctions, then we have an opportunity to have a public policy success using peaceful diplomacy versus anything else.

Lastly, we are the largest remitters of humanitarian assistance to the people of Cuba, more than all the other countries of the world combined over the last several years. It is Castro who keeps his people hungry by his failed policies.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, there was a demonstration out front the other day and up and down Connecticut Avenue. It was the Falun Gong trying to tell us about religious persecution in China. Yet we chase after China, we give them Most Favorite Nation status for trading purposes, and we forget about their human rights violations.

Yet 90 miles off the shore of Miami, we have a small country that is trying to survive, and we keep our foot on the back of their necks simply because there are few people who cannot get over the fact that he overthrew Batista. Batista had literally given Cuba to the multinationals, who practically owned it, to the gangsters, and everybody else who wanted to go down to Cuba and do whatever they wanted to do.

Well, we may not like the revolution, but we need to get over it. He has been trying to survive all of these years. It is time to do away with this policy. It does not make good sense.

Let me just tell you, Canada is reaping \$260 million in trade; China, \$156 million; France, \$216 million. It goes on and on and on. The Farm Bureau wants to open up trade opportunities.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, the suffering of the Cuban people is caused by Fidel Castro, and not by the embargo. The money that is paid to the employees down there by businesses that go into Cuba does not go to the employees; it goes to Castro. If they are paid \$400 a month, that \$400 goes to Castro, and he pays them in the local currency, which is worth about \$5 to \$10 a month.

He is the one who keeps his heel on the neck of the people of Cuba. He is the one that causes the suffering down there. He is the one that causes the human rights abuses, and he is the one that has killed that economy.

Why does he want the embargo lifted? Because he knows if we have tourism going down there, he knows if there is trade with him, the money will go into his pocket; the money will be able to prop up his regime, and he will be able to continue his communist philosophy and dictatorship down there.

Finally, just let me say one more thing. People say he is no longer exporting revolution. I will tell you right now, Fidel Castro is supporting the FARC guerrillas in Colombia that are flooding our streets with drugs, that are killing our kids and ruining people's lives. The FARC guerrillas wear the berets that Che Guevara wore when he was down there exporting revolution for Fidel Castro.

This man is a tyrant, he is a man we should not deal with, he is a man who has killed his own people, and he is the one that suffers; not the people of Cuba, because he is the one that is

keeping them under his heel and under his boot. Five to \$10 a month is what they earn because of Fidel Castro.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, listening to the debate, I could not help but remember the words of Harry Truman. When he was interviewed for the biography "Plain Speaking" just before his death in Independence, Missouri, he was asked the question, "What would you do about Cuba if you were still President?"

He said, "I would pick up the phone and call Fidel and say, I see you have some problems down there, Fidel. Why don't you come on up here, and we will talk about them and see if we can't settle this thing."

Boy, if he had only been President, and if other Presidents had only followed that kind of advice since then, we would not have the necessity of this debate today.

Why a strong, powerful country like the United States has to make an enemy of a weak, defenseless little country like Cuba is a question that we could speculate upon for some length of time. But one thing is absolutely clear, the policy of the last 40 years has failed. It is time to open the doors and let the fresh air come in.

The CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining, and the gentleman from New York (Mr. RANGEL) has 1 minute remaining. The gentleman from New York (Mr. RANGEL) as the author will close debate on the amendment.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let us cut to the chase here. Let us cut to the chase. Let us cut to the chase, Mr. Chairman. Castro is 75 years old. He collapsed a few weeks ago and those surrounding him in the power clique were terrorized. His days are numbered.

What we are talking about today is the future of Cuba. It is the leadership that is in prison today, Antiunez, this young man, for example, who is facing an 18-year sentence because in high school he decided to say that the regime was evil and he opposed it and he sought democracy. Or Maritza Lugo, the chairman, the president of the 30th of November Democratic Party. She and her husband are political prisoners, though they have little daughters, like the gentlewoman from Florida (Ms. ROS-LEHTINEN) who is on the floor. Well, Maritza Lugo has two daughters, and they are both in prison, she and her husband, are both in jail, because they are leading a political party in Cuba.

And Vladimiro Roca, whose father, by the way, was the founder of the communist party in the 1920s, and now he is in a dungeon, because he is the

president of the Social Democratic Party, and asked for free elections. Are they going to be released, and are their political parties going to be legalized and is the regime going to sit down with them and have free elections like happened in South Africa and like happened in Chile and like happened in Spain and Portugal and everywhere else, everywhere else the world stood for freedom?

Oh, no. But in Cuba we should discriminate, despite the fact that they are 90 miles from our shores. That is the issue that we are debating here today.

So our current law says three conditions, and the embargo is automatically lifted. The gentleman from New Jersey (Mr. MENENDEZ) authorized billions of dollars in the legislation that we passed a few years ago. It is already law for assistance to Cuba. Three conditions is what we seek for our neighbors 90 miles away: Liberate the political prisoners, legalize their political parties, and sit down with them and have an election. Is that too much to ask for our closest neighbors? It is not.

But the debate today is whether the regime continues after the demise of the tyrant, the death or the incapacity of the tyrant; or whether these people, the leaders of free Cuba, continue to receive our support, as this Congress has, despite the attitude of the executive office, not now, because President Bush supports the sanctions now, but other times in history they have not. Congress has always been with the Cuban people.

Stand with the Cuban people and their future leaders, not the tyrants. Oppose Rangel.

Mr. RANGEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, that proves what a great country we have, that friends can disagree and, at the same time, attempt to move forward.

I think in addition to a great country, we have to really emphasize the importance of free trade and opening up new markets. Certainly for whatever tragedies people are suffering in Cuba, you cannot possibly believe that it is not worse in China. And if those on the other side of the aisle truly believe that trade is going to be the key of establishing better relationship and normalizing our relationship, then certainly I think we should have enough confidence in the American business people and enough confidence in the American people not to succumb to the dangers that communism offers.

□ 1745

This is a strong Nation. We can survive the threats of communism. We can enter into extradition treaties in order to bring back the convicts that are there. Let us face it. If the present dictator dies, who is going to replace him?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).



The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. RANGEL) will be postponed.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVI, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the substitute offered by the gentleman from Arizona (Mr. FLAKE); amendment No. 5 offered by the gentleman from New Jersey (Mr. SMITH); and amendment No. 7 offered by the gentleman from New York (Mr. RANGEL).

AMENDMENT OFFERED BY MR. FLAKE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the substitute amendment.

The Clerk designated the substitute amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 186, not voting 7, as follows:

[Roll No. 270]

#### AYES—240

Abercrombie	Castle	Filner
Aderholt	Clay	Flake
Allen	Clayton	Fletcher
Baird	Clement	Ford
Baldacci	Clyburn	Frank
Baldwin	Collins	Galleghy
Barcia	Combust	Ganske
Barrett	Condit	Gilchrest
Bass	Conyers	Gonzalez
Becerra	Costello	Gordon
Bentsen	Coyne	Graves
Bereuter	Cramer	Greenwood
Berman	Cummings	Gutierrez
Berry	Davis (CA)	Harman
Biggert	Davis (IL)	Herger
Bishop	DeFazio	Hill
Boehlert	DeGette	Hilleary
Bonior	Delahunt	Hilliard
Bono	DeLauro	Hinchee
Borski	Dicks	Hinojosa
Boswell	Dingell	Hoeffel
Boucher	Doggett	Hoekstra
Brady (PA)	Dooley	Holden
Brady (TX)	Doyle	Holt
Brown (FL)	Edwards	Honda
Brown (OH)	Ehlers	Hooley
Brown (SC)	Emerson	Horn
Camp	English	Hostettler
Capps	Eshoo	Houghton
Capuano	Etheridge	Hoyer
Cardin	Evans	Inslee
Carson (IN)	Farr	Isakson
Carson (OK)	Fattah	Issa

Jackson (IL)	Millender-	Schakowsky
Jackson-Lee	McDonald	Schiff
(TX)	Miller, George	Scott
Jefferson	Mink	Serrano
John	Moore	Shays
Johnson (CT)	Moran (KS)	Sherwood
Johnson (IL)	Moran (VA)	Shimkus
Johnson, E. B.	Morella	Shows
Jones (OH)	Murtha	Simmons
Kanjorski	Nadler	Simpson
Kaptur	Napolitano	Slaughter
Kildee	Neal	Smith (MI)
Kilpatrick	Nethercutt	Smith (WA)
Kind (WI)	Ney	Solis
Klecicka	Nussle	Spratt
Kolbe	Oberstar	Stark
Kucinich	Obey	Stenholm
LaFalce	Oliver	Strickland
LaHood	Osborne	Stupak
Lampson	Otter	Tanner
Langevin	Owens	Tanner
Lantos	Pastor	Tauscher
Largent	Paul	Taylor (MS)
Larsen (WA)	Payne	Thompson (CA)
Larson (CT)	Pelosi	Thompson (MS)
Latham	Peterson (MN)	Thune
Leach	Peterson (PA)	Thurman
Lee	Phelps	Tiahrt
Levin	Pickering	Tiberi
Lewis (GA)	Platts	Tierney
Lofgren	Pomeroy	Toomey
Lowe	Price (NC)	Towns
Luther	Rahall	Turner
Maloney (CT)	Ramstad	Udall (CO)
Maloney (NY)	Rangel	Udall (NM)
Manzullo	Rehberg	Upton
Markey	Rivers	Velázquez
Mascara	Rodriguez	Wamp
Matheson	Roemer	Waters
Matsui	Ross	Watson (CA)
McCarthy (MO)	Roybal-Allard	Watt (NC)
McCollum	Rush	Waxman
McDermott	Ryan (WI)	Weiner
McGovern	Sabo	Weldon (PA)
McIntyre	Sanchez	Whitfield
McKinney	Sanders	Woolsey
McNulty	Sandlin	Wynn
Meehan	Sawyer	

#### NOES—186

Ackerman	Doolittle	Jones (NC)
Akin	Dreier	Keller
Andrews	Duncan	Kelly
Armey	Dunn	Kennedy (MN)
Baca	Ehrlich	Kennedy (RI)
Bachus	Engel	Kerns
Baker	Everett	King (NY)
Ballenger	Ferguson	Kingston
Barr	Foley	Kirk
Bartlett	Forbes	Knollenberg
Barton	Fossella	LaTourette
Berkley	Frelinghuysen	Lewis (CA)
Bilirakis	Frost	Lewis (KY)
Blagojevich	Gekas	Linder
Blunt	Gephardt	LoBiondo
Boehner	Gibbons	Lucas (KY)
Bonilla	Gillmor	Lucas (OK)
Boyd	Gilman	McCarthy (NY)
Bryant	Goode	McCrery
Burr	Goodlatte	McHugh
Burton	Goss	McInnis
Buyer	Graham	McKeon
Callahan	Granger	Meek (FL)
Calvert	Green (TX)	Menendez
Cannon	Green (WI)	Mica
Cantor	Grucci	Miller (FL)
Capito	Gutknecht	Miller, Gary
Chabot	Hall (OH)	Mollohan
Chambliss	Hall (TX)	Myrick
Coble	Hansen	Northup
Cox	Hart	Norwood
Crane	Hastings (FL)	Ortiz
Crenshaw	Hastings (WA)	Ose
Crowley	Hayes	Oxley
Cubin	Hayworth	Pallone
Culberson	Hefley	Pascrell
Cunningham	Hobson	Pence
Davis (FL)	Hulshof	Petri
Davis, Jo Ann	Hunter	Pitts
Davis, Tom	Hutchinson	Pombo
Deal	Hyde	Portman
DeLay	Israel	Pryce (OH)
DeMint	Isatook	Putnam
Deutscher	Jenkins	Quinn
Diaz-Balart	Johnson, Sam	Radanovich

Regula	Shadegg	Thornberry
Reyes	Shaw	Traficant
Reynolds	Sherman	Visclosky
Riley	Shuster	Vitter
Rogers (KY)	Skeen	Walden
Rogers (MI)	Skelton	Walsh
Rohrabacher	Smith (NJ)	Watkins (OK)
Ros-Lehtinen	Smith (TX)	Watts (OK)
Rothman	Souder	Weldon (FL)
Roukema	Stearns	Weller
Royce	Stump	Wexler
Ryun (KS)	Sweeney	Wicker
Saxton	Tancred	Wilson
Schaffer	Tauzin	Wolf
Schrock	Taylor (NC)	Wu
Sensenbrenner	Terry	Young (AK)
Sessions	Thomas	Young (FL)

#### NOT VOTING—7

Blumenauer	Meeks (NY)	Spence
Cooksey	Scarborough	
Lipinski	Snyder	

#### □ 1808

Mr. HALL of Ohio and Mr. KERNs changed their vote from “aye” to “no”.

Mrs. MALONEY of New York and Messrs. HOUGHTON, BASS, WHITFIELD, and SHOWS changed their vote from “no” to “aye”.

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. SMITH OF NEW JERSEY, AS AMENDED

The CHAIRMAN. The question is on Amendment No. 5 offered by the gentleman from New Jersey (Mr. SMITH), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 7 offered by the gentleman from New York (Mr. RANGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 227, not voting 5, as follows:

[Roll No. 271]

#### AYES—201

Abercrombie	Boswell	Conyers
Allen	Boucher	Costello
Baca	Brady (TX)	Coyne
Baird	Brown (FL)	Cramer
Baldacci	Brown (OH)	Cummings
Baldwin	Brown (SC)	Davis (CA)
Barcia	Capps	Davis (IL)
Barrett	Capuano	DeFazio
Becerra	Carson (IN)	DeGette
Bentsen	Carson (OK)	Delahunt
Bereuter	Clay	DeLauro
Berry	Clayton	Dicks
Biggert	Clement	Dingell
Bishop	Clyburn	Doggett
Bonior	Combust	Dooley
Bono	Condit	Doyle

Edwards  
Emerson  
English  
Eshoo  
Evans  
Farr  
Fattah  
Filner  
Flake  
Ford  
Frank  
Ganske  
Gilchrest  
Gonzalez  
Graves  
Greenwood  
Hall (OH)  
Harman  
Herger  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holt  
Honda  
Hooley  
Houghton  
Inlee  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Kucinich  
LaFalce  
LaHood  
Lampson  
Langevin  
Lantos  
Largent

Larsen (WA)  
Larson (CT)  
Latham  
Leach  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Luther  
Maloney (NY)  
Manzullo  
Markey  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McKinney  
McNulty  
Meehan  
Meeks (NY)  
Millender-  
McDonald  
Miller, George  
Mink  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Nadler  
Napolitano  
Neal  
Nethercutt  
Nussle  
Oberstar  
Obey  
Olver  
Osborne  
Otter  
Owens  
Pastor  
Paul  
Payne  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Phelps  
Pomeroy  
Price (NC)

Radanovich  
Rahall  
Ramstad  
Rangel  
Rehberg  
Rivers  
Rodriguez  
Roemer  
Ross  
Roybal-Allard  
Rush  
Ryan (WI)  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Scott  
Serrano  
Shays  
Shimkus  
Simpson  
Slaughter  
Smith (WA)  
Solis  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Thune  
Thurman  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Velazquez  
Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Weiner  
Woolsey  
Wynn

## NOES—227

Ackerman  
Aderholt  
Akin  
Andrews  
Armey  
Bachus  
Baker  
Ballenger  
Barr  
Bartlett  
Barton  
Bass  
Berkley  
Berman  
Billakis  
Blagojevich  
Blunt  
Boehlert  
Boehner  
Bonilla  
Borski  
Boyd  
Brady (PA)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Cardin  
Castle  
Chabot  
Chambliss  
Coble  
Collins  
Cooksey  
Cox

Crane  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cunningham  
Davis (FL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Doolittle  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Engel  
Etheridge  
Everett  
Ferguson  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Frost  
Gallegly  
Gekas  
Gephardt  
Gibbons  
Gillmor  
Gilman  
Goode  
Goodlatte  
Gordon  
Goss  
Graham

Granger  
Green (TX)  
Green (WI)  
Grucci  
Gutierrez  
Gutknecht  
Hall (TX)  
Hansen  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hilleary  
Hobson  
Hoekstra  
Holden  
Horn  
Hostettler  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Isakson  
Israel  
Istook  
Jenkins  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
Kolbe

LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (KY)  
Lucas (OK)  
Maloney (CT)  
Mascara  
McCrery  
McHugh  
McInnis  
McIntyre  
McKeon  
Meek (FL)  
Menendez  
Mica  
Miller (FL)  
Miller, Gary  
Mollohan  
Murtha  
Myrick  
Ney  
Northup  
Norwood  
Ortiz  
Ose  
Oxley  
Pallone  
Pascrell  
Pence  
Petri  
Pickering  
Pitts  
Platts

Pombo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Regula  
Reyes  
Reynolds  
Riley  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roukema  
Royce  
Ryun (KS)  
Saxton  
Schaffer  
Schiff  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherman  
Sherwood  
Shows  
Shuster  
Simmons  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)

Souder  
Spratt  
Stearns  
Stump  
Sununu  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Toomey  
Traficant  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson  
Wolf  
Wu  
Young (AK)  
Young (FL)

## NOT VOTING—5

Blumenauer  
Lipinski  
Scarborough  
Snyder  
Spence

## □ 1818

Mr. DINGELL and Mr. HOUGHTON changed their vote from “no” to “aye.”  
Mr. TERRY changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used by the Internal Revenue Service to pay any bonus or incentive payment to the Commissioner, the Deputy Commissioner, the Chief Counsel, the Chief Inspector, the Chief of Management and Administration, the Chief Financial Officer, the Chief of Operations, the Chief of Appeals, the Chief Information Officer, or the Chief of Communications of the Service.

Mr. TRAFICANT. Mr. Chairman, I have never heard so many Members coming over and saying they agree with me, but they have to oppose my amendment. They say they like what I am doing, it needs to be done; but they are going to have to vote “no.” They say, I want to commend you, Mr. TRAFICANT, because what you are doing is an absolute necessity, but I am going to have to vote “no.”

Now, let me explain what the amendment is. Two years ago, 81 percent of all information given by the IRS to our constituents was false and wrong. This year, they corrected it and they improved, only having 73 percent of the information given to our constituents to be deemed faulty. Now, I want my colleagues to listen to this. I want my

colleagues to listen to what a GAO report said. The report said that 50 percent of all of our constituents' calls made to the Internal Revenue Service are not even returned; they go unanswered.

Now, here is what the Traficant amendment says. It lets all these IRS people go, but there are 10 people at the top that are prohibited from getting bonuses under this bill.

Every newspaper in America says Congress must be nuts allowing these IRS fat cats to reward themselves with bonuses while their constituents are getting screwed.

Now, I do not know if there is anybody willing to speak on this issue, Mr. Chairman, but I will say this. I understand the position of Ways and Means members, I understand leadership, but I want to say this. This has gone on long enough, year after year; and every year there is a reason. Now, one of the reasons I have heard was three of these positions mentioned are new people. Well, tell me, what new employees get bonuses the first year in the first place?

In the legislative history let it show that if my colleagues do not want to remove some of these people because they personally know them and they are St. Ignatius, I do not mind it. But the buck stops somewhere, and it is not stopping in the penthouse of the IRS. That means Congress has an inherent responsibility to make sure that our constituents' calls are returned; that our constituents get correct answers; and that our constituents are treated with respect.

If one out of every two Americans do not even have their call returned or answered, what is wrong with us? And when 73 percent of the advice they do give to the 50 percent that are lucky to get a return call, 73 percent of it is wrong. But they say it is an improvement over the 81 percent.

That is right, beam me up. I have great respect for my good friend, the gentleman from Ohio (Mr. PORTMAN). He has done a great job on taxes. Look, I do not want any complimentary regards here tonight, I do not want any pats on the back, I want an “aye” vote on my amendment. And if it is thrown out in conference, then throw it out in conference, but I want to say something to Congress. If we want to get the attention of the IRS, we could give them all the rhetoric we want, but this is stone cold business. This is exactly what Congress should be doing.

The Congress of the United States Government is a participatory democracy in this Republic, and it is time we do so. I am asking for an “aye” vote.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my colleague, the gentleman from Ohio (Mr. TRAFICANT), has done a lot to help with IRS reform. I walked over a moment ago and told



him I did want to compliment him as well as oppose his amendment. I was not talking about complimenting the amendment, however. I want to compliment him because in 1998 this Congress spoke almost with one voice at the end of the day for restructuring the IRS entirely, for putting in place dozens of new taxpayer rights.

The IRS, while it still has lots of problems, including phone calls that are not getting answered, including information that is not being accurately conveyed, is doing a little better. And even the gentleman said that in his statement. But in 1998 the gentleman from Ohio (Mr. TRAFICANT) pushed this House to put something in place that shifted the burden of proof from the taxpayers to the IRS in tax court. That was an important reform. It was not in the original reform and restructuring act. It was added, in part, again because the gentleman from Ohio (Mr. TRAFICANT) helped do that.

That is what I was going to talk about in terms of complimenting the gentleman in terms of helping us to get to a better system. Because what happens now all through the system is that the IRS has to really look at these cases to be sure they really have merit, rather than taking them all the way to court and having the burden, which is appropriately now on them as it is in every criminal court in America, rather than the burden being on the taxpayers, as it was before.

But this amendment, to my way of thinking, is counterproductive. Let me give a couple of examples. When we restructured the IRS, we provided for more incentive pay, which is part of the amendment; not just bonuses, but incentive pay. We actually provided they could pay these top people more than they were paying them at that time. Why? Because they could not attract good people, particularly in the information services area.

Management and information services is one of the great problems at the IRS. The left hand does not know what the right hand is doing. But it is partly because the left hand is using 1970s software and 1980s computers, and the right hand is using another stovepipe system that does not communicate with the first one. We have had to totally revamp that system, and they are doing it. They finally now have a general contractor and have put out a modernization effort that we are supporting in our committees and subcommittees in Congress, appropriations and authorization.

They are finally getting their act together. But to do that they needed better people and good people. And they are competing with the private sector. And I have to tell my colleague, the salaries they are paying these people is still significantly less than people doing comparable work in the private sector.

□ 1830

It is very tough to get people.

Second, I would just like to make the point that some of these people who would not get an incentive payment or a bonus do not exist any more because we restructured the IRS and got rid of some of these positions. For example, there is no chief inspector. There is no chief of management administration. There is no chief of operations. There is a chief information officer but he is brand new, and I do not think we should penalize him yet until we see what kind of work he does.

There is no chief of communications. Some of these lists of titles no longer exist because of the restructuring. So in a sense we have turned the IRS upside down. They have restructured the entire operation.

We have forced them to do new performance measurements. We have forced them to live under some great new taxpayer rights. They are struggling with that a little bit. They still are not living up to what we hoped they would be by this point, but they are making improvements.

This is not the time for us, in my view, to send the wrong signal to the people who I hope are the good guys, the people who have come in, new people at the top who are from the private sector who we have attracted to the IRS by saying, we are not going to pay you as much as the private sector, but we will give you a decent salary so we can be somewhat competitive, and we will give you a chance.

Again, some of these people are brand new. Others have been there a year or two. We have to give them that chance. They are the ones that ought to be straightening out this bureaucracy and all of its problems. I would hope that while we send a strong message that Congress is watching, that the oversight board and the subcommittees and committees of this Congress ought to do their work. That we not accept this amendment.

I will mention one other thing, Mr. Chairman, if I might. The new oversight board which is a public/private board which is unique in government which was very controversial in this body, but we got it through, is supposed to be there to provide accountability to the IRS. One of their jobs specifically established by this Congress is to review the commissioner's selection, evaluation, and compensation of IRS senior executives.

Let them do their job. Let the oversight board work. Let the IRS continue to reform itself. Let us not penalize the very people we are relying on to try to straighten things out at the IRS.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, the two amendments that were placed in

the IRS reform bill by former Chairman of the Committee on Ways and Means, Bill Archer, the Traficant amendments could not get a hearing for 12 years.

Yes, the first one shifted the burden of proof from the taxpayer to the IRS who was guilty in a civil court. The second one said they could not seize their homes without judicial consent. We let that go for 50 years.

Here are the statistics. Seizures of homes dropped from 10,037 a year to 150. Wage attachments dropped from 3.1 million to half a million. Liens dropped from 680,000 to 160,000.

You are right. Some of these positions do not exist and some of the reforms we did have worked. But the bottom line is someone is responsible here and new employees do not get bonuses. Those people at the top that are coming in, the Congress is saying no bonuses until you return our constituents' calls and until your information makes sense. That is not an unreasonable demand.

Let me say this, I commend Chairman Archer for having the courage to make those changes because they were not in the bill. The IRS vehemently opposed them as did the Clinton administration.

It is time to make this change and it is time to send this message. We are not from Western Union, but this strikes at the core.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHAW) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2590) making appropriations the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.